

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**PAN AMERICAN AIRWAYS CORP.**

**Plaintiff**

**v.**

**ROBERT E. BARNES**

**Defendant**

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**Civil Action No. 04-10515-JLT**

U.S. DISTRICT COURT  
DISTRICT OF MASS

**JOINT STATUS REPORT**

In order to assist the Court at the Status Conference on this matter scheduled for May 16, 2005, counsel for plaintiff Pan American Airways Corp. and defendant Robert E. Barnes have prepared this Status Report.

**Outstanding Motions:**

There are no outstanding motions at this time.

**Discovery:**

Counsel of each of the parties have raised issues regarding discovery responses provided by the other and the parties have cooperated to come to an understanding on those issues. The parties expect that they will continue to so cooperate. Plaintiff has revised certain of its interrogatories to defendant to address the objection raised by defendant's counsel. Plaintiff's deposition of the defendant was rescheduled to May 13, 2005 due to scheduling conflicts and the delay caused by the unforeseen failure of Federal Express to make delivery of Plaintiff's discovery requests to counsel for defendant.

Plaintiff will request that the Court permit a brief period of additional time to take the deposition of one or more of defendant's physicians once the defendant has responded to plaintiff's revised interrogatories and its original request for production of documents.

Defendant intends to object to Plaintiff's request for additional time for discovery.

**Motions for Summary Judgment.**

The parties propose the following schedule for submission of Motions for Summary Judgment:

Motions for Summary Judgment to be served by July 1, 2005.

Replies to Motions for Summary Judgment to be served by July 22, 2005.

**Mediation.**

The parties do not believe that resolution of this matter would be advanced by entering into mediation at this time.

**Procedural Issues for Trial.**

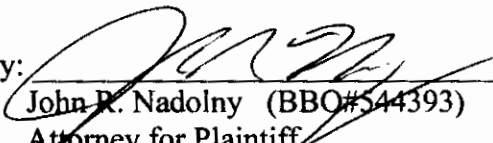
As of this date there is one known potential issue for trial, which involves whether or not the Federal Aviation Administration ("FAA") will permit at least two of its employees to appear at trial for the purpose of giving live testimony. These individuals have been deposed by the parties and have provided testimony which is inconsistent on the subject which is the underlying premise of Plaintiff's complaint (ie. that certain aircraft engines were not properly stored/ preserved ). Plaintiff believes that their

appearance in person will be necessary to enable the Court to evaluate the credibility of this evidence in a way which cannot reasonably be accomplished through a reading of deposition transcripts. Counsel for FAA has previously indicated that these individuals will not be made available for live testimony pursuant to 49 C.F.R. §9.9(d). Counsel will endeavor to resolve this issue with the FAA prior to trial but determined out of an abundance of caution to bring the matter to the Court's attention at this time.

Respectfully submitted,

**PAN AMERICAN AIRWAYS CORP.**

**ROBERT E. BARNES**

By:   
John R. Nadolny (BBO#544393)  
Attorney for Plaintiff  
14 Aviation Avenue  
Portsmouth, NH 03801  
Tel. (603) 766-2002

By: \_\_\_\_\_  
Peter Piel (BBO#639070)  
Attorney for Defendant  
800 Turnpike Street  
Suite 300  
N. Andover, MA 01845  
Tel. (978) 794-5513

**Dated: May 12, 2005**

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Respectfully submitted,

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John R. Nadolny (BBO#544393)  
Attorney for Plaintiff  
14 Aviation Avenue  
Portsmouth, NH 03801  
Tel. (603) 766-2002

By: Peter Piel  
Peter Piel (BBO#639070)  
Attorney for Defendant  
800 Turnpike Street  
Suite 300  
N. Andover, MA 01845  
Tel. (978) 794-5513

**Dated: May 12, 2005**